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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MOSSER, ROBERT E

ART UNIT PAPER NUMBER

3714

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/028,756	Applicant(s) MCCLINTIC, MONICA A.	
	Examiner Robert Mosser	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-25 and 27-40 is/are rejected.
- 7) ☒ Claim(s) 5 and 26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The Information Disclosure Statement entered on December 21st of 2001 had been considered by the examiner

Claim Objections

1. Claim 15 objected to because of the following informalities: "Selected" is the incorrect tense and should read "select". Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 22-24 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically it is unclear where "said providing" refers to as originally presented in claim 20, "providing" is presently represented as a dependent step and the dependent claims fail to explain their association with the parent method. The method relationship is unclear and indefinite.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
2. Claims 1-4, 6,9, 11-13, 15, 16, 18-20, 25, 29-31, and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner (US 4,684,136) in view of either Walker et al (6,193,606) or alternatively Vancura (US 2002/0043759).
3. Regarding claims 1-3,9, 13, 15,16, 31 33, and 34.

Turner teaches a game playable on a computer (Col 2:33-35) as well as between players (2:47-52) comprising: a display matrix including a plurality of spaces (Figure1); trivia topics assigned to and displayed in association with selected spaces of a matrix (14); a randomly selected trivia question associated with each of said trivia topics and displayed upon the selection of one of said selected topics (Col 2:8-26 & Figure 4);

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a plurality of possible answers to said randomly selected trivia question presented to a player in association with the display of said randomly selected trivia question (Col 3:45-48) wherein the player is referred to a playing card for geographical or identification type questions;

and an award associated with a player providing a correct answer to at least one of said trivia questions (Col 3:4-9) wherein the award described is the occupation of a space in the playing category by a playing piece.

Turner is however silent on the incorporation of this game as a bonus game or event to a base game.

Walker et al teaches an electronic gaming device offering a game of knowledge for enhanced payouts including:

Allowing players to deposit (1104) and wager (1108) coins in a base game;

Allowing players to choose their preferred trivia topic (550);

Providing the players with a question and possible answers (Figure 3B) after the start of the primary game (Figure 11) or bonus game as so claimed; and

Providing the player an award for correctly answering at least one trivia question (1156 & Figure 11).

Walker et al is however silent on the incorporation of a matrix allowing players to select the trivia topic from a matrix of topics.

Vancura teaches a knowledge-based casino bonus game (Figure 2) and method therefor comprising:

Allowing players to deposit and wager coins in a base game (Paragraph 9);

A TRIVIAL PURSUIT game embodiment that provides the player a random question and several possible answers randomly selected from up to six random categories depending on which categories the player has already correctly answered a question from); and

Awarding a player a "lamer" for correctly answering the trivia question in addition to awarding a monetary prize (Paragraphs 91-92).

Vancura is however silent on the incorporation of a matrix allowing players to select the trivia topic from a matrix of topics.

It would have been obvious for one of ordinary skill in the art at the time of invention to have incorporated the knowledge game allowing for enhanced payouts of Walker et al with the combination tic-tac-toe and question and answer game of Turner or alternatively the knowledge-based game of Vancura in order to allow players the ability to win monies from their correct trivia question answers.

4. Regarding claims 4, 6, 20, and 25, and in addition to the above stated. Walker et al teaches an electronic gaming device offering a game of knowledge for enhanced payouts wherein the bonus trivia game is initiated or alternatively is proceeded to automatically resultant of the predefined event of reels beginning to spin that is in turn resultant of a wager being placed in the primary game (Figure 11).

Vancura teaches a knowledge-based casino bonus game in which the bonus game is initialized or alternatively is proceeded to automatically in response to a special bonus payout symbol appearing on the payout line of the base game.

5. Regarding claims 11,18, 19, 29, 36, and 37, and in addition to the above stated, Turner teaches the winning outcome of the game as being based on completing the matrix in a tic-tac-toe fashion and as such dependent on completing the matrix in a prespecified arrangement (Turner Abstract).

6. Regarding claims 12, 30, and 35 and in addition to the above stated, Turner teaches requiring a team to win a trivia topic before proceeding on to another trivia topic. As described by Turner this requires one team to first choose a topic and then compete with the opposing team to win the subject by correctly answering randomly selected trivia questions related to the subject and forming a pre-specified arrangement in the matrix (Col 3:13-29).

7. Regarding claim 38 and in addition to the above stated Walker et al teaches a memory (340, 342) associated with at least one processor (310), at least one input element (307) in communication with at least one processor, and a display (362, 332, 334, 336) in communication with at least one processor. See figure 3 for a clear representation of the interconnections between these elements.

Further more Vancura teaches a memory (60) associated (24) with at least one processor (20), at least one input element (214, 224, 314, 414, 424) in communication with at least one processor, and a display (70, 110) in communication with at least one processor. See figures 1-4 for a clear representation of the interconnections between these elements.

8. Claims 10, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner (US 4,684,136) in view of Vancura (US 2002/0043759).

In addition to the above stated Vancura teaches awarding an additional bonus prize when the player manages to correctly answer a random trivia question from each of the six trivia categories plus one additional trivia question in addition to awarding a prize for each question answered correctly (Paragraphs 91 and 92).

9. Claims 14, 17, 32, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner (US 4,684,136) in view of Walker et al (6,193,606).

Regarding claims 14 and 32, and in addition to the above stated Walker et al teaches indicating both when the player has selected the correct answer and incorrect answer on the display of the game system but is silent as to the placement of the indicia on the display screen (Col 11:28-45).

It would have been obvious to one of ordinary skill in the art at the time of invention to place the indicia of walker et al in the respective matrix position to which the

question corresponds of Turner in order to clearly identify the performance of the player to the player in addition to the reasons cited above.

Regarding claim 17 and in addition to the above stated, Walker et al teaches rewarding the player for consecutive correct answers which reads on requiring the player to successfully answer each presented trivia question to successfully complete a game level associated with said matrix when applied with Turner in similar fashion as applied to claims 12, 30, and 35 discussed above.

Regarding claim 40 and in addition to the above stated, Walker et al teaches the communication elements in communication with a central processor (205), at least one input element, a display, a communication element, and said processor in communication with said at least one processor by way of said communication element (260 & Fig 1-2).

10. Claims 7,8, 21, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner (US 4,684,136) in view of either Walker et al (6,193,606) or alternatively Vancura (US 2002/0043759) as applied to claims 1-3 and 20 above and yet in further view of Adams (US 5,431,408).

In addition to the above stated the description of a of a "wild" card as described by the instant application (Paragraphs 7 and 8) or alternatively the description by Adams of awarding a player a "wild" card, which they may decide to implement at a time

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or hand of their choosing (See Abstract) describes the feature described as a "pass" in the instant application.

Adams discloses a card game including electronic embodiments (Fig 1) in which a player may receive a "wild" card during the play of the game. This wild card may then be utilized in a subsequent hand to alter the hand out come (Abstract). This correlates to awarding a "pass" or equivalently a "wild" card during the occurrence of predefined event of winning the "pass" or "wild" card. And further the use of this wild card in a subsequent hand reads on the "pass" may be used by the player in lieu of a correct answer to a randomly selected trivia question.

It would have been obvious to one of ordinary skill in the art at the time of invention to have implemented Adam's "wild" card as describe above in the invention of Turner and Walker et al or alternatively Turner and Vancura in order to provide players without perfect knowledge the ability to have a second chance when confronted with an unfamiliar trivia topic or alternatively to maintain the suspense between multiple players in competition by allowing strategy to play a role in game play even when the respective player may not know the trivia answer that might otherwise be a prerequisite to the strategic game play..

Allowable Subject Matter

11. Claims 5, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert Mosser whose telephone number is (703)-305-4253. The examiner can normally be reached on 8:30-4:30 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on (703) 308-1806. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.



MARK SAGER
PRIMARY EXAMINER

REM